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# Housing

## Supplementary Planning Document Screening Statement

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## 1 Introduction

- 1.1** The purpose of this document is to determine whether or not the Housing Supplementary Planning Document (SPD) requires:
- i. a Strategic Environmental Assessment (SEA)<sup>(1)</sup>; and/or
  - ii. a Habitats Regulations Assessment (HRA)<sup>(2)</sup>.

### Update

- 1.2** Since this screening statement was first produced the Council has received notice regarding the nutrient pollution issue affecting the Teesmouth and Cleveland Coast SPA and Ramsar. As a result the Council has reviewed and update section 3 'HRA Screening'.
- 1.3** The document is structured as follows:

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|---------------------------|---|
| <b>1 'Introduction':</b>  | This section explains the purpose of this document and sets out a summary of the purpose and content of the Housing SPD.          |
| <b>2 'SEA Screening':</b> | This section sets out the legislative background to Strategic Environment Assessment (SEA) and includes the screening assessment. |
| <b>3 'HRA Screening':</b> | This section sets out the legislative background to Habitats Regulations Assessment (HRA) and includes the screening assessment.  |
| <b>4 'Conclusions':</b>   | This section sets out the conclusions of the screening processes.   |

### Purpose and Content of the SPD

- 1.4** The Housing SPD seeks to provide detailed guidance to support a number of policies in the Hambleton Local Plan, adopted 22 February 2022. The main policies are:
- HG2: Delivering the right type of homes;
  - HG3: Affordable Housing Requirements; and
  - HG4: Housing Exceptions.
- 1.5** The SPD supports the implementation of the policies and expands on justification contained in the Local Plan. The SPD provides guidance on:
- Housing types and size for both market and affordable housing;
  - Technical housing standards;
  - Self and custom build homes;
  - Specialist housing;
  - Shared accommodation;
  - Community-led housing;
  - Addressing affordable housing needs, including;

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1 In accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004, as amended by The Environmental Assessments and Miscellaneous Planning (Amendment)(EU Exit) Regulations 2018 (the SEA Regs)

2 In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended)

# 1 Introduction

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- The policy requirements relating to affordable housing requirement for market housing sites;
  - Development viability;
  - Vacant building credit;
  - Commuted provision of affordable housing;
  - Grant funding;
  - Site delivery expectations relating to mix, tenure, location and design for affordable housing;
  - Developer contributions;
  - Securing the delivery of affordable homes including the procedure for market housing sites;
  - Housing exception schemes;
- Entry level exception schemes;
- Rural exception schemes;
- Registered providers;
- Transfer prices;
- Local connections; and
- Section 106 requirements

## 2 SEA Screening

### Legislative Background

- 2.1** The basis for Strategic Environmental Assessment (SEA) is the European Directive 2001/42/EC (SEA Directive). This was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations). Detailed guidance of these regulations is available in the Government publication [A Practical Guide to the Strategic Environmental Assessment Directive \(ODPM, 2005\)](#).
- 2.2** In addition, the Planning Practice Guidance (See [paragraph: 008 reference ID: 11-008-20140306](#)) states that supplementary planning documents do not require Sustainability Appraisal, but may, in exceptional circumstances, require a strategic environmental assessment if they are likely to have significant environmental effects that have not already been assessed during the preparation of the relevant strategic policies.

### SEA Screening

- 2.3** Screening is the process of determining whether or not a full SEA is required. For this process, it is necessary to determine if the SPD is likely to have significant environmental effects using the criteria set out in Annex II of the SEA Directive and Schedule I of the SEA Regulations. A full determination cannot be made until the three statutory consultation bodies (known as the SEA bodies, these are Natural England, the Environment Agency, and Historic England) have been consulted. As such this document represents a draft screening statement which will be consulted upon with the SEA bodies alongside the public consultation for the draft Housing SPD.
- 2.4** The screening assessment is undertaken in two parts; the first will consider whether the SPD requires SEA and the second will consider whether the SPD is likely to have a significant environment effect using criteria drawn from Schedule I of the SEA Regulations.

### Part 1

- 2.5** The following table is based upon Figure 2 in [A Practical Guide to the Strategic Environmental Assessment Directive \(ODPM, 2005\)](#), which is reproduced in Appendix A.

**Table 1 Application of the SEA Directive to plans and programmes**

Question	Decision pathway	Commentary
1. Is the Plan subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	No to both: no SEA required. Yes to either: go to Question 2.	The Housing SPD will be subject to preparation and/or adoption by a national, regional or local authority as it has been prepared by and will be adopted by Hambleton District Council (a local authority) to provide guidance on policies contained in the Hambleton Local Plan.
2. Is the Plan required by legislative, regulatory or administrative provisions? (Art. 2(a))	No: no SEA required. Yes: go to Question 3.	Although SPD are not a requirement and are optional under the provisions of planning law, the Housing SPD will, once adopted, supplement the

## 2 SEA Screening

Question	Decision pathway	Commentary
		development plan, which is a statutory requirement, and be a material consideration in the determination of planning applications.
3. Is the Plan prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art. 3.2(a))	No to either: go to Question 4. Yes to both: go to Question 5.	The SPD is prepared for town and country planning. The SPD will be part of the framework for future development consent of projects in Annexes I and II to the EIA Directive.
4. Will the Plan, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Art. 3.2(b))	No: go to Question 6. Yes: go to Question 5.	Not applicable.  However, the SPD is not anticipated to have an adverse effect on any designated European sites, in terms of their ecological integrity. See section 3 'HRA Screening' for details.
5. Does the Plan determine the use of small areas at local level, OR is it a minor modification of a Plan subject to Art. 3.2? (Art. 3.3)	No to both: go to Question 7. Yes to either: go to Question 8.	The SPD will be a material consideration in the determination of planning applications. It provides guidance in support of policies in the Hambleton Local Plan.
6. Does the Plan set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Art. 3.4)	No: no SEA required. Yes: go to Question 8.	Not applicable.
7. Is the Plan's sole purpose to serve national defence or civil emergency, OR is it a financial or budget Plan, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art. 3.8, 3.9)	No to all: SEA required. Yes to any: no SEA required.	Not applicable.

Question	Decision pathway	Commentary
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	<p>No: no SEA required.</p> <p>Yes: go to Question 7.</p>	<p>The purpose of the SPD is to provide guidance to assist in the interpretation of policies contained in the Hambleton Local Plan. The policies that the SPD supports were subject to SEA (incorporated within the SA) as part of the local plan preparation process. Therefore, the SPD will not itself have any significant effects on the environment, and may assist in addressing potential negative effects of the relevant policies.</p> <p>See 'Part 2' for detailed assessment.</p>

### Part 2

**2.6** The following table sets out the detailed consideration of whether the SPD is likely to have significant effects.

**Table 2 Detailed consideration of whether the SPD is likely to have significant effects**

Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Commentary
The characteristics of plans and programmes	
a. The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	The SPD sets a framework for projects by providing detail and guidance on the implementation of policies of the Hambleton Local Plan. The SPD forms a material consideration in the determination of planning applications.
b. The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The SPD does not create new policies, but instead provides guidance to policies of the Hambleton Local Plan, which have been subject to SEA (incorporated within the SA). It sits below 'higher tier' documents (the Local Plan) and does not set new policies.
c. The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	The SPD provides guidance on the interpretation of local policy along with national guidance, all of which promote sustainable development. The SPD does not introduce new policy.

## 2 SEA Screening

Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Commentary
d. Environmental problems relevant to the plan or programme	There are a number of environmental issues to be considered in the Local Plan area including: potential impacts of development on the natural and historic environment, climate change impacts including fluvial flooding risk, and potential loss of biodiversity. There are considered to be no negative environmental issues associated with this SPD, rather the SPD seeks where possible to achieve environmental improvements.
e. The relevance of the plan or programme for the implementation of community legislation on the environment (for example, plans and programmes linked to waste management or water protection)	The policies of the Hambleton Local Plan that the Housing SPD provides guidance on are not directly relevant to the implementation of community legislation on the environment. There are other policies in the Hambleton Local Plan which are relevant to water protection. North Yorkshire County Council is the relevant authority who addresses waste management issues and is the Lead Local Flood Authority.
Characteristics of the effects and of the area likely to be affected	
a. The probability, duration, frequency and reversibility of the effects	The SPD is not expected to give rise to any significant environmental effects.
b. The cumulative nature of the effects	The SPD is not considered to have any significant cumulative effects. As the document provides guidance to local plan policies, but does not set new policies itself, it cannot contribute to cumulative impacts in combination with the Hambleton Local Plan.
c. The transboundary nature of the effects	The SPD is not expected to give rise to any significant transboundary environmental effects. Any potential significant transboundary environmental effects have already been assessed as part of the sustainability appraisal, the Habitat Regulations Assessment and the examination process for the Local Plan.
d. The risks to human health or the environment (for example, due to accidents)	The SPD is not considered to represent a risk to human health or the environment due to accidents or other reasons.
e. The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The SPD will be applied where relevant in the determination of planning applications in the plan area.

Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Commentary
<p>f. The value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> <li>i. Special nature characteristics or cultural heritage;</li> <li>ii. Exceeded environmental quality standards or limit values</li> <li>iii. Intensive land-use</li> </ul>	<p>The SPD is not anticipated to adversely affect any special natural characteristics or cultural heritage in the Hambleton local plan area. The SPD is not expected to lead to the exceedance of environmental standards or intensive land use. The SPD will be applicable in areas protected for their special natural characteristics and cultural heritage, including the Howardian Hills and Nidderdale AONBs as well as conservation areas. However, it provides guidance on the implementation of local plan policies, which have been subject to SEA. The SPD does not introduce new policy or propose any development over and above that identified within the Hambleton Local Plan.</p>
<p>g. The effects on areas or landscapes which have a recognised national, community or international protection status.</p>	<p>The SPD is not expected to have any adverse effect on areas with national, community or international protection. The SPD will be applicable in areas protected for their special natural characteristics and cultural heritage, including the Howardian Hills and Nidderdale AONBs as well as conservation areas. However, it provides guidance on the implementation of local plan policies, which have been subject to SEA. The SPD does not introduce new policy or propose any development over and above that identified within the Hambleton Local Plan.</p>

## 3 HRA Screening

### 3 HRA Screening

#### Teesmouth and Cleveland Coast SPA and Ramsar Site Nutrient Pollution

- 3.1** On 16 March 2022 Natural England advised the Council of the unfavourable condition of the Teesmouth and Cleveland Coast SPA and Ramsar site. This condition is due to nutrient pollution entering the Tees river catchment. The advice from Natural England is that the Council should, as the Competent Authority under the Habitats Regulations, carefully consider the nutrients impacts of any new plans and projects (including new development proposals) on the habitats site and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation.
- 3.2** This means that any new plan or project (including new development proposals) that relates to the catchment will need to be considered under the Habitats Regulations. Where the plan or project could lead to additional nutrient pollution entering the catchment then the plan or project cannot be given consent.
- 3.3** This section of the screening statement has therefore been reviewed and updated to take account of the advice from Natural England.

#### Legislative Background

- 3.4** A Habitat Regulation Assessment (HRA) refers to several distinct stages of assessment which must be undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended). These stages determine if a plan or project would affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it. As such, these regulations are applicable to all plans and projects which may have likely significant effects on a designated international site or sites, and are not directly connected with or necessary to the management of the designated site.
- 3.5** These designated international sites feature:

<b>Special Areas of Conservation (SACs):</b>	SAC is defined in the Habitats Directive (92/43/EEC) and it is designated to protect habitats and species listed in Annex I and Annex II of the directive, which are considered to be of European and national importance.
<b>Special Protection Areas (SPAs):</b>	The SPA focuses on safeguarding the habitats of migratory birds and particularly certain threatened birds.
<b>Ramsar sites:</b>	A Ramsar site is a wetland site designated to be of international importance under the Ramsar convention.

- 3.6** HRA is also required for candidate SACs, potential SPAs, and proposed Ramsar sites for the purposes of considering plans or programmes which may affect them.
- 3.7** The [Planning Practice Guidance \(PPG\)](#) provides guidance on Habitat Regulations Assessment. The PPG sets out that if a proposed plan or project is considered likely to have a significant effect on a protected habitats site (either individually or in combination with other plans or projects) then an appropriate assessment of the implications for the site, in view of the site's conservation objectives, must be undertaken. It also sets out that a significant effect should

be considered likely if it cannot be excluded on the basis of objective information and it might undermine a site's conservation objectives. This is what is sometimes referred to as the precautionary principle.

### Habitat Regulations Assessment Stages

**3.8** The Habitats Directive sets out various stages of the HRA process, and the relevant plan or programme must be analysed under the relevant stage(s) as deemed suitable based on the likelihood and severity of significant effects, as follows:

- Stage 1: Screening: To test whether a plan or project either alone or in combination with other plans and projects is likely to have a significant effect on an Natura 2000 site (also known as European sites);
- Stage 2: Appropriate Assessment: To determine whether, in view of an international site's conservation objectives, the plan (either alone or in combination with other projects and plans) would have an adverse effect (or risk of this) on the integrity of the site with respect to the site structure, function and conservation objectives. If adverse impacts are anticipated, potential mitigation measures to alleviate impacts should be proposed and assessed;
- Stage 3: Assessment of alternative solutions: Where a plan is assessed as having an adverse impact (or risk of this) on the integrity of an international site, there should be an examination of alternatives (e.g. alternative locations and designs of development); and
- Stage 4: Assessment where no alternative solutions remain and where adverse impacts remain: In exceptional circumstances (e.g. where there are imperative reasons of overriding public interest), compensatory measures to be put in place to offset negative impacts.

### The Hambleton Local Plan and HRA

**3.9** A Habitats Regulations Assessment was undertaken for the Hambleton Local Plan, which consists of a number of documents:

Habitats Regulations Assessment Screening Report (November 2016)	The report supported the Preferred Option consultation. The report represented Stage 1 of the assessment process and considered whether the Council's preferred options would be likely to cause significant effects on Natura 2000/European sites. The report identified that a number of the preferred options for policies and allocation sites could potentially result in significant effects and as such further assessment would be required.
Habitats Regulations Assessment Scoping Report (March 2017)	This report was produced prior to the Alternative Sites consultation. The Council commissioned AECOM to produce this report (and all further reports) in order to ensure that the HRA process was completed in a robust and comprehensive manner. The report reviewed work previously undertaken and conducted a thorough assessment of whether significant effects are likely. The report identified several issues for the next report to focus on, including recreational pressure and disturbance, the loss of functionally linked land and air quality.

## 3 HRA Screening

Habitats Regulations Assessment (October 2018)	This report was produced in the lead up to the Publication of the Local Plan. This assessment undertook both screening and Appropriate Assessment of the policies and site allocations of the draft Local Plan in order to inform the finalisation of the Publication Draft. Recommendations for revisions to policy EN2 The Natural Environment (which would go on to become policy E3 in the Publication Draft) were identified.
Habitats Regulations Assessment (April 2019)	This version of the report was produced as an update to the previous October 2018 version prior to the Publication of the Local Plan (July 2019). With the incorporation of the recommended revisions from the October 2018 version the update concluded that the Plan will not result in an adverse effect on the integrity of any European sites either alone or in combination.
Habitats Regulations Assessment (February 2020)	This version of the report was produced as an update to the previous April 2019 version prior to the submission of the Local Plan for examination (March 2020). The recommendations regarding policy E3 (EN2 in the October 2018 version) were clarified and added to with recommendations regarding policy HG5: Windfall Housing Development.
Habitats Regulations Assessment (December 2020)	This version of the report was produced as an update to the previous March 2020 version during the examination following detailed discussions with Natural England. The recommendations regarding policy HG5: Windfall Housing Development from the previous version were removed.
HRA Hambleton Local Plan Main Modifications (September 2021)	Produced during the examination process this report considered the proposed modifications that had been identified as being necessary and whether they would lead to any likely significant effects. The report concluded that the modifications they will not lead to likely significant effects on European sites and do not undermine the conclusions of the HRA of the submitted plan in 2020 that no adverse effects on integrity would arise.

- 3.10** The HRA assessment for the Local Plan pre-dates the advice from Natural England concerning the nutrient pollution issue affecting the Teesmouth and Cleveland Coast SPA. As such it is no longer possible to rely on it for this assessment, for the area within the Tees catchment.

### **Determination of any significant effects relating to the SPD**

- 3.11** The HRA process for the Hambleton local plan set out above assessed whether the plan was likely to have significant effects on Natura 2000/European sites where pathways could lead to them being affected. A full determination cannot be made until the three statutory consultation bodies have been consulted, in this case these bodies are Natural England, the Environment Agency, and Historic England.
- 3.12** No comments were received from the statutory consultation bodies regarding the screening statement. As such this document is confirmed as the final screening statement for the Housing SPD.

**3.13** Sites identified as being of relevance to the HRA process are set out below. Full details of reasons for designation, conservation objectives and key vulnerabilities as well as the reasons for inclusion are set out in Appendix A of the Habitats Regulations Assessment for the Local Plan.

Heathland/Bog Sites:	North Pennine Moors SAC located 3.9km from the district boundary North York Moors SAC located within Hambleton district boundary but outside of the Local Plan boundary. Strensall Common SAC located 3.1km from the district boundary.
Heathland Bird Sites:	North Pennine Moors SPA located within 3.9km of the district Boundary North York Moors SPA located within Hambleton district boundary but outside of the Local Plan boundary.
Mountain Hay Meadow Sites:	North Pennine Dales Meadows SAC at its closest located 8.8km from the district boundary (Richmond Meadows SSSI).
Riverine Sites:	River Derwent SAC located 8.7km from the district boundary.
Estuarine/Coastal Sites:	Teesmouth and Cleveland Coast SPA and Ramsar located 9.6km from the district boundary

### In-combination impacts

**3.14** It is a requirement of the Regulations that the impact and effects of any plan being assessed are considered in combination with other plans and projects that may also be affecting the European sites(s) in question. The HRA for the Local Plan noted that in practice, 'in-combination assessment' is of greatest importance when the plan or project would otherwise be screened out because no significant effects are considered likely.

**3.15** The HRA for the Local Plan identified a range of plans and projects to be considered in combination with the Local Plan, consisting of the local plans of neighbouring local authorities, at various stages of preparation, as well as strategic and local transport plans for North Yorkshire and the Tees Valley, the emerging York and North Yorkshire Minerals and Waste Plan and economic and waste strategies for Hambleton. These plans and programmes remain valid as those to be considered for in combination effects. The local plans of neighbouring authorities to the north of Hambleton are also affected by Natural England's advice on nutrient pollution. The council areas for Darlington, Middlesbrough, Stockton on Tees and Redcar and Cleveland all lie within the Tees catchment. Any new plans or projects that come forward for these authorities will be subject to the same advice from Natural England and would not be consented if it would lead to additional nutrient pollution entering the Tees catchment.

### Impact pathways

**3.16** The HRA for the Local Plan considered a number of 'impact pathways', the routes by which a change brought about in one location can impact on a designated site elsewhere. These pathways consisted of recreational pressure and disturbance, the loss of functionally linked land increased water demand and impacts on water quality, and atmospheric pollution. These remain valid as impact pathways.

## 3 HRA Screening

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### HRA of the Hambleton Local Plan

- 3.17** The HRA for the local plan took into account the extent of the housing and economic growth for the plan area as well as the effect of policies. It concluded that the plan will not lead to likely significant effects on European sites either alone or in combination on any of the identified designated sites.
- 3.18** As the Housing SPD is intended to provide guidance for the implementation of Hambleton Local Plan policies relating to housing development and does not set new policy the impact of the SPD on Natura 2000 sites has already been considered as part of the assessment of the Hambleton Local Plan.
- 3.19** This conclusion remains valid for the area of the district outside the Tees catchment. However, the advice from Natural England regarding nutrient pollution affecting the Teesmouth and Cleveland Coast SPA means that more consideration is needed about the effects of the SPD.

### Considering the SPD in light of the Natural England Advice

- 3.20** The advice, guidance and supporting material issued by Natural England makes it clear that it will only be possible to assess the effect a project will have when the details of nutrient pollution that would be likely to enter the river catchment can be determined with accuracy. This means that each planning application within the catchment will be subject to its own specific consideration of whether it will have an adverse impact. This will be necessary whether or not the SPD is adopted.
- 3.21** As previously stated the Housing SPD is intended to provide guidance for the implementation of Hambleton Local Plan policies relating to housing development and does not set new policy. The policies that it supports are concerned with housing development but they do not contain any requirements or criteria relating to waste water or any other pathway that would lead to nutrient pollution entering the Tees or any other river catchment.
- 3.22** Therefore it is possible to conclude that the Housing SPD will not lead to an adverse impact on the Teesmouth and Cleveland Coast SPA, either on its own or in combination with other plans or projects.

### 4 Conclusions

#### SEA conclusions

- 4.1** The SEA screening assessment concluded that as the purpose of the Housing SPD is to provide guidance to assist in the interpretation of policies contained in the Hambleton Local Plan and those policies were subject to SEA (incorporated within the SA), the SPD will not itself have any significant effects on the environment, and may assist in addressing potential negative effects of the relevant policies. Therefore a full Strategic Environmental Assessment of the Housing SPD is not necessary.

#### HRA conclusions

- 4.2** The HRA screening assessment concluded that as the Housing SPD is intended to provide guidance for the implementation of Hambleton Local Plan policies relating to housing development and does not set new policy the impact of the SPD on Natura 2000 sites has already been considered as part of the assessment of the Hambleton Local Plan.
- 4.3** For the part of Hambleton that lies within the Tees river catchment it was identified that individual proposals would be subject to specific consideration of whether they would have an adverse effect and this would be the case whether the SPD is adopted or not. It also identified that the policies the SPD supports had no requirements relating to a pathway where nutrient pollution would enter the river catchment.
- 4.4** It is therefore possible to conclude that a full Habitats Regulations Assessment of the Housing SPD is not necessary.

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